

AG Contract No. KR95 2413TRN
ADOT ECS File No. JPA 95-192
Project: STP-022-3(76)P/H3234 01C
Section: US-60 MP212.62-MP 223.48

INTERAGENCY AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF TRANSPORTATION
AND
THE ARIZONA STATE PARKS BOARD

THIS AGREEMENT is entered into 28 February, 1997,
between the agencies of the STATE OF ARIZONA, to wit; the
DEPARTMENT OF TRANSPORTATION (the "ADOT") and the ARIZONA STATE
PARKS BOARD, acting by and through its Executive Director (the
"Parks Board").

I. RECITALS

1. The ADOT is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the ADOT.

2. The Parks Board is empowered by Arizona Revised Statutes
Section 41-511.05 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has authorized
the undersigned to execute this agreement on behalf of the Parks
Board.

3. Incident to an improvement project on US-60 currently
under construction by the State, the Parks Board has requested a
deceleration/turn lane be installed on US-60 at the Boyce
Thompson Arboretum Park entrance, at an estimated cost of
\$7,109.00, all at Parks Board expense, hereinafter referred to as
the Project.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>21393</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>02/28/97</u>
<u>Jose Lee Hull</u> Secretary of State
By <u>Vicky Greenwood</u>

II. SCOPE OF WORK

1. The ADOT will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction.

b. By supplemental agreement with it's existing contractor, accomplish the Project. Be responsible for any contractor claims for extra compensation attributable to the State on the State's project.

c. Invoice the Parks Board for the reasonable direct actual cost of the Project, in an amount estimated at \$7,109.00. Upon completion and acceptance of the Project, provide maintenance.

2. The Parks Board will:

a. Within 30 days after receipt of an invoice, pay the ADOT the reasonable direct actual cost of the Project, in an amount estimated at \$7,109.00.

b. Be responsible for any contractor claims for extra compensation attributable to the Parks Board on the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract modification, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Boyce Thompson Arboretum
Park Manager
37615 E. Highway 60
Superior, AZ 85273

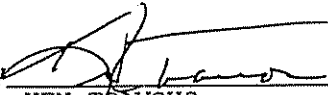
7. Attached hereto and incorporated herein is the written determination of legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

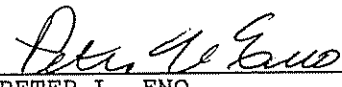
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

STATE OF ARIZONA

Arizona State Parks Board

Department of Transportation

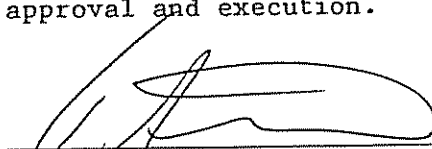
By 
KEN TRAVOUS
Executive Director

By 
PETER L. ENO
Contract Administrator

RESOLUTION

BE IT RESOLVED on this 17th day of October 1995, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Boyce Thompson Arboretum on US-60 for the purpose of defining responsibilities to design and construct a decel/turn lane at the entrance to the park.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted to the Contract Administrator for approval and execution.



for LARRY S. BONINE
Director



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE: 542-5025

TELECOPIER: 542-4085

GRANT WOODS
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR95-2413TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED February 24, 1997.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:cv/3782